IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

MONDAY, THE 13TH AUGUST 2007 / 22ND SRAVANA 1929

WP(C).No. 18205 of 2006(P)

PETITIONERS:
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1. **NOOR MOHAMMAD,**
   S/O.MOOSA, AGED 46, PROPRIETOR,
   M/S.BISMI METALS INDUSTRIES,VIII/493,
   CHULLIMADA, KANJIKODE,PUDUSSERY,
   PALAKKAD DISTRICT.

2. **OUSHA, W/O.NOOR MOHAMMAD,AGED 32,**
   RESIDING AT VIII/493,CHULLIMADA,KANJIKODE,
   PUDUSSERY,PALAKKAD DISTRICT.

3. **MOHAMMAD RAFI,**
   S/O.MOOSA,AGED 42,VIII/493,CHULLIMADA,
   KANJIKODE, PUDUSSERY, PALAKKAD DISTRICT.

4. **SHAHUL HAMEED,**
   S/O.HAMEED, AGED 25,
   RESIDING AT KOZHIPARA, PALAKKAD DISTRICT.

5. **MOHAMMAD RIYAZ,**
   S/O.SHERIFF, AGED 24,
   RESIDING AT PADIYARAREKADU,CHULLIMADA,
   PALAKKAD DISTRICT.

BY ADV. SRI.K.C.ELDHO

RESPONDENTS:
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1. **SUB INSPECTOR OF POLICE,**
   VALAYAR POLICE STATION,
   PALAKKAD DISTRICT.

2. SECRETARY,
CITU HEAD LOAD WORKERS UNION,
CHULLIMADA, PUTHUSSERY PANCHAYAT,
KANJIKODE PO, PALAKKAD DISTRICT.

3. SECRETARY,
BMS HEAD LOAD WORKERS UNION,
CHULLIMADA, PUTHUSSERY PANCHAYAT,
KANJIKODE PO, PALAKKAD DISTRICT.

BY ADV. SRI.RAJESH SIVARAMANKUTTY - R2
BY GOVERNMENT PLEADER SRI.SALIM P.A.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.18205/2006

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE SSI REGISTRATION ISSUED TO THE 1ST PETITIONER DT. 15.6.98.

EXT.P2:- COPY OF THE ORDER IN CMP. NO.47538/99 IN OP. NO.28000/99 DT. 10.11.99 OF THE HONOURABLE HIGH COURT OF KERALA.

/TRUE COPY/

P.S. TO JUDGE

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K.BALAKRISHNAN NAIR & HARUN-UL-RASHID, JJ.

WPC NO.18205 OF 2006-P

Judgment

Balakrishnan Nair, J.

The first petitioner is running a small scale fabricating unit, it is submitted. The second petitioner is his wife. Petitioners 3 to 5 are his relatives. The loading and unloading work in that unit is done by them, it is submitted. Respondents 2 and 3 and their supporters are causing obstruction to the loading and unloading work done by them. So, this Writ Petition was filed by the petitioners, seeking police protection to them to do the loading and unloading work in their unit. The 1st petitioner had earlier approached this Court and he was granted police protection by Ext.P2 order to do the loading and unloading work by him personally in his unit. The said Writ Petition was later closed in view of the interim order, it is submitted. When respondents 2 and 3 took the stand that only the petitioner personally can do the loading and unloading work, this Writ Petition was filed, so that his wife and relatives can also stretch a helping hand to him. This Court by interim order dated 12.07.2006, already granted police protection. Since notice was not issued to the respondents, we ordered notice

by special messenger. The 2nd respondent appeared through counsel and submitted that now the first petitioner is constructing a building within the factory compound and his workmen are employed to do the loading and unloading work in connection with the construction work. It is a scheme covered area and therefore, only the workers from the pool can be engaged to do the said work, it is submitted.

2. The learned Government Pleader upon instruction submitted that no complaint has been filed before the police, seeking protection. The police has a duty to maintain law and order and avert breach of peace. If the headload workers of the 2nd respondent feel that the petitioner is engaged in any illegal loading and unloading work, they can move the competent forum under the Headload Workers Act and seek appropriate reliefs. With the above direction, the Writ Petition is disposed of.

K.BALAKRISHNAN NAIR,JUDGE

13.08.2007 **HARUN-UL-RASHID, JUDGE**

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